

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL WAITS,
individually and on behalf
of those similarly situated,

Plaintiff,

Case No. 18-cv-771-pp

v.

U-LINE CORPORATION,

Defendant.

ORDER APPROVING SETTLEMENT, AWARDING ATTORNEYS' FEES AND COSTS, AND APPROVING SERVICE PAYMENT

On May 8, 2019, the court conducted a fairness hearing on the parties' proposed settlement agreement. Dkt. Nos. 64, 71. The court previously had granted preliminary approval of the settlement agreement on March 26, 2019. Dkt. No. 34. At that fairness hearing, the court found that the settlement agreement was fair, reasonable, and adequate. For the reasons stated on the record, the court **APPROVES** the settlement agreement in its entirety and finds that the settlement agreement meets the requirements of federal law, relevant state law, and due process.

1. The court **FINDS** that the settlement terms negotiated by the parties and described in the settlement agreement are a fair and reasonable resolution of a *bona fide* dispute between the defendant, Michael Waits, the

members of the certified Rule 23 class, and the members of the certified collective class.

2. The court **CERTIFIES** the Rule 23 class and the collective class for settlement purposes only.

3. The court **ORDERS** that Hawks Quindel, S.C. shall serve as class counsel for the Rule 23 class and the collective class.

4. The court **ORDERS** that Michael Waits shall serve as representative for the certified Rule 23 class and the collective class.

5. The court **ORDERS** that the settlement agreement is binding on defendant, Michael Waits, the certified Rule 23 class members who did not exclude themselves, and the collective class members who have opted into this matter.

6. The court **ORDERS** that the settlement in the total amount of \$232,500, inclusive of attorneys' fees, is approved.

7. The court **FINDS** the service award of \$7,500 to the named plaintiff, Michael Waits, to be fair and reasonable.

8. The court **FINDS** that the plaintiff's request of attorneys' fees in the amount of \$77,500 (33.33% of the common fund) is reasonable. The court further **FINDS** that costs in the amount of \$4,995.73 are fair and reasonable. The court **GRANTS** the plaintiff's motion for an award of attorneys' fees and costs and **AWARDS** Hawks Quindel, S.C. a total of \$82,495.73 in fees and costs.

9. As provided in the settlement agreement, the court **ORDERS** defendant to, within thirty days of this order,
- (a.) deliver to Hawks Quindel, S.C. checks issued to the Rule 23 class members and the collective class members in the amounts provided for in the final allocation which class counsel has delivered to defendant's counsel; and
 - (b.) deliver to Hawks Quindel, S.C. \$82,495.73 for attorneys' fees and costs.

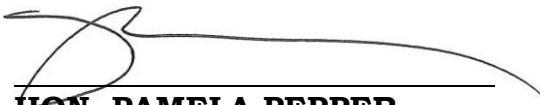
10. The court **DISMISSES** with prejudice and releases:
- (a.) the Wisconsin law claims of the Rule 23 class members (as identified in Exhibit A to the settlement agreement, dkt. no. 29-2, and excluding those who have excluded themselves) for unpaid minimum, overtime, and/or agreed upon wages resulting from U-Line's alleged failure to pay for all hours worked before that individual's scheduled start time and after that individual's scheduled end time as well as the failure to properly calculate the regular rate for purposes of computing overtime compensation between May 21, 2016 and November 14, 2018;
 - (b.) the minimum and overtime wage claims of collective class members (whose consent to join forms have been filed with the court) under the FLSA resulting from U-Line's alleged failure to pay for all hours worked before that individual's

scheduled start time and after that individual's scheduled end time as well as the failure to properly calculate the regular rate for purposes of computing overtime compensation between May 21, 2015 and November 14, 2018.

11. The court retains jurisdiction for the sole purpose of enforcing the terms of this order and the settlement agreement.

Dated in Milwaukee, Wisconsin this 22nd day of May, 2019.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge